

Date: August 24, 2011

Summary of the August 22, 2011 Charter Review Committee Meeting

The prepared agenda for this meeting include the following items: Review/Approve Previous Meeting Notes, Committee interview with City Officials, Discussion regarding future meeting process, and public comments.

Members Present

The following Committee members were in attendance: Chair Bill Stewart, Vice-Chair Riley Walter, Dan Fitzpatrick, Bob Cook, Les Kimber, Jared Gordon, Jerry Duncan, Nick Webber and City Manager Mark Scott. Jeff Reid was absent. Additionally, Council President Lee Brand and City Attorney Jim Sanchez were in attendance to be interviewed by the Committee.

Items Distributed: Agenda for the current meeting and a document, prepared by Mr. Brand, titled *Suggested Language for Combining One Charter Amendment for Enhanced Fiscal Management*. Heavy reference was also made to the previously distributed document titled *Review Committee Agenda*.

Call to Order

Chair Bill Stewart called the meeting to order at 5:33 pm. At the start of the meeting, Mr. Kimber was given an opportunity to introduce himself. He provided a brief personal statement, which included the following accomplishments: he served as newspaper editor, started the California Advocate and served on the City Council for two terms. Mr. Kimber stated that he was happy to be a part of this committee and he believes it is timely to review the Charter.

This meeting started the round interviews by the Committee with the individual City Councilmembers, the Mayor, the City Attorney and City Manager.

Review/Approve Previous Meeting Notes

No previous meeting notes were available at this time, but the current meeting and previous meeting notes will be approved at the next meeting.

Committee Interview with City Officials

Mr. Stewart provided guidelines for the interview process as follows: the speaker and Committee would discuss the Review Committee Agenda item by item; the speaker would identify which items he or she believes to be policy versus Charter worthy; and, to expedite the process, Committee members could ask their questions directly without going through the Chair. No objections were made after an opportunity to express such an objection was offered by the Chair.

Interview with Councilmember Brand

Mr. Brand stated that a lot these items would not raise to the level of being a Charter amendment ballot measure. He began with a description of cost factor on adding a ballot measure. When the amendment to section four of the Charter was put on the ballot, the County Clerk provided an estimate of \$100,000; it turned out to be \$50,000 to \$60,000. Mr. Brand explained that the County Clerk assess the cost of a ballot measure by the number of items on the ballot. Therefore, the more items there are the likelihood of a discount increases. He then distributed his handout at this time. Mr. Brand stated that he tried to craft the ballot measure as one or two ballot items to keep the cost down. It was his belief that the cost is worth it because some of these items could save the City millions of dollars. Over the last two and half years, Mr. Brand has been instrumental in crafting four major financial policies. The first is the Better Business Act, which incorporates due diligence procedures when there is a request for \$1,000,000 or more of city funds by a private entity, and requires that City personnel follow certain banking like procedures. The other policies are the Taxpayer Protection Act, with certain debt management provisions; the Labor Management Act, which came in response to the fact the City did not understand the cost it incurred in labor negotiations; and the Reserve Management Act. However, Mr. Brand cautioned the Committee that all four of these financial provisions are subject to change simply by the vote of four councilmembers. His handout provided an example question for such a measure that unifies all four financial policies to be adopted as a proposed Charter amendment.

- Mr. Brand qualified his handout as very rough and condensed (City Attorney has not read it yet)

Mr. Brand explained that six of these Charter Agenda Items are incorporated in some fashion within the financial policies summarized in his Enhanced Fiscal Management Handout.

1. Creation of an Emergency Reserve Fund by setting aside a percentage of General Funds (§ 1212)

Mr. Kimber inquired into the contingency procedure regarding the 10% set aside in a reserve fund in the event the City faces a future financial or physical calamity, and whether this provision could operate so as to not unreasonably restrain the financial operation of the City. Mr. Brand explained that the provisions within the reserve policy are goals, and it gives the City Manager discretion. For example, the reserve provision could be suspended so that the City Manager can finance core services. While discussing the particulars of this policy, Mr. Brand highlighted the fact that the current charter provides for only a 5% emergency reserve. However, most cities are at 10%, with many having as high as 20-25% reserve requirement (Median of 10%). Furthermore, he stated that he also put in a 5% contingency stabilization fund that has a direct nexus to city revenue like property tax and sales tax. He directed the Committee's intention to the fact that a more elaborate explanation of this policy change is contained with the Reserve Management Act. In response to concerns by Committee regarding the current economic health of the City, Mr. Brand explained that to even start funding the reserve fund General Fund contraction must have ended with a showing of the following criteria: 1) general fund revenue must have increase of 3%; 2) there must be four consecutive quarters of stabilized

or increase general fund primary revenue (sales and property tax); 3) proper funding restored to core services; and 4) a final determination based on above factors and recommendation by City Manager and majority vote of the City Council. Mr. Brand further asserted that if the Reserve Management Act was in place in 1999, when the City held \$17 million in reserves; the City would have \$60 million in reserve now. He lamented that if this policy was in place ten years earlier, this Council would have inherited a big cushion, which highlights the need for certain parameters to prevent future Councils from engaging in a spending spree.

Mr. Fitzpatrick expressed is concern that the language that would allow city officials to access the reserve fund must be clearly articulated.

2. Amend Charter § 1233 reduced General Obligation Bonds to 10% City Assets and add a limit of 10% on net debt service form General Fund

Mr. Brand explained the current Charter is vague regarding debt service policies and procedure. This measure rises to the level of Charter review ballot measure. This proposal is important due to the City Charter being so antiquated. For example, the City no longer offer General Fund Bond, therefore, 20% as it is currently written is irrelevant. The most important aspect of this proposal is the 10% of limit on General Fund Appropriations, which is covered in the Tax Payer Protection Act. For example, 5 years ago the city passed the No Neighborhood Left Behind bond, the park bonds, the public safety bond, and the Underground Parking Bond. The debt service from 2004 to 2009 nearly doubled with this 5 year period. No current policies or guidelines existed until Tax Payer Protection Act, which once again is subject to removal by 4 votes of the Council.

The Committee asked whether the 10% number was arbitrarily chosen and whether there is a provision to allow the Council to exceed this requirement by either a majority or unanimous vote. Mr. Brand responded that when he wrote this policy, the pension allocation fund caused the city to exceed his proposed 10%; therefore, after the pension allocation funds were carved out, the city was under the 10% limit. He did acknowledge that any currently funded programs would have to be exempt. However, his selection of 10% was not arbitrary chosen, but was based on research of over 50 cities.

Mr. Fitzpatrick asked how such a proposal would handle Enterprise Bonds. Mr. Brand explained that the Enterprise Funds will be self-sustaining. For example, the Sewer Bond (when passed) included the rate payers will pay and what amount the politicians will approve. Mr. Brand stated that approval of any kind of Enterprise Fund money will be set aside for operation cost and operating reserves, all of which is covered in the Debt Management Act. The Committee next asked how Enterprise Bonds would operate under a 10% debt service limit, given that these bonds are generally issued with a clause that the full of faith and credit of the City will be responsible if primary funds are not available. Mr. Lee directed the Committee to the policy summary for Debt Management on page 2 of the handout and read these provisions out loud. Mr. Brand stated that the provide text in handout is what he would like to see, but he welcomes any changes by the Committee.

3. Require a super majority vote on all debt financing decision not contained in the annual budget

Mr. Brand described this provision as requiring any debt measure adopted outside the annual budget must be passed by a super majority by the Council via the Debt Management policy. Mr. Brand discounted the idea of requiring voter approval on all major financial encumbrances by the City and countered that the Council would be abdicating their legislative responsibilities. Furthermore, Mr. Brand expressed his concern that any cost savings garnered by requiring voter approval would be offset by cost of financing a ballot measure.

The Committee raised its concern that City Controller is not accountable to the residents of Fresno and a controller could game the revenue numbers for any bond issue. In response, Mr. Brand stated that the City Manager is the ultimate decision maker. He cautioned that within an annual debt report the Controller must measure any proposed debt financing, and that any manipulation would go beyond gaming to the point of fraud. Mr. Scott added that the gaming of the numbers can occur even in a ballot measure, but the bigger risk is incompetence rather than intentional misrepresentations. It was his contention that public scrutiny is a more effective guard than a ballot measure.

Additionally, Mr. Gordon raised the danger of cognitive dissonance where both the Mayor and City Manager are in favor a particular project, especially when they believe it will generate additional revenue but this doesn't pan out. His concern identified the fact that the Administration may direct the Controller to follow certain projections that are overall favorable to the proposed project. Mr. Brand agreed that the stadium negotiations in 2001 were a good example of this. During the initial negotiations of the baseball stadium, all the principles refused the present their financials information. Now, under the Better Business Act, they would be required to provide such information to the City. During later stages in the stadium negotiations, a 3rd party attorney was hired to get this information in front of the Administration and to enable city Attorney to review their financial information to verify that the principals had the financial wherewithal to what was expected off them if they were going sign personal guarantees, which they did. The public did not see their financial information on the front page of the Fresno Bee. It worked because there was a process laid out based on a banking model. Mr. Brand explained that this was never done before. The city hired a consultant for \$150K to do a detailed analysis of the leases and business model of the Grizzlies. Because of the BBA, the Grizzlies paid the \$150K fee.

Mr. Fitzpatrick provided his personal impressions as staff member at the time of the Grizzlies Deal. The Grizzlies Deal presented some unique challenges because, as a staffer, he had nothing to present to the political leaders who wanted it done or the Chamber of Commerce, who advocated that this was a great deal. As a staff member he would have loved to have criteria and procedures to follow. This is especially true when the private sector comes in seeking money, but those in the private sector are unwilling to disclose their financial information to the government. The policies Mr. Brand presents allows for this financial inquiry.

4. Due diligence trigger for any financial assistance request \$1,000,000

Mr. Brand believed that this provision rose to the level of a Charter Amendment issue. The majority of the detailed information regarding due diligence procedures are included in the Better Business Act. He asserted that if the financial policies were in place 10 years ago, it is likely that the city would not have become involved with Granit Park.

5. Fiscal Impact Report requirement for Memorandum of Understanding labor agreement

Mr. Brand began by stating that the Labor Management Act was one of the most important policy provisions and that it rose to the level of a Charter amendment issue. He explained that labor costs are one of the primary cost escalator for the City and the State. Labor costs typically include 75% of the City budget. He contended that the Government was overly generous when everyone was flush with cash. For example, in a labor MOU in 2009 the City had a HR8 (not sure if this is correct), which included banking holiday time that increased 100 hours to 200 hours. When reviewed under an actuarial approach, with the average wages of \$35 to \$40 an hour multiplied by 800 members and times so many years, the cost is exponential and can be in the millions of dollars. This policy would measure this cost upfront by requiring an actuarial evaluation when negotiating labor MOUs. According to Mr. Brand, this provision must be written for any future City Manager with the understanding that not all future city managers will be as financially aware as the current City Manager.

6. Council affirmation, by majority vote, for hiring the City Manager and compensation Contract

It was Mr. Brand's belief that this should only be an affirmation by the Council of City Manager. The Council should not be involved in compensation negotiations, as this would lead to an additional 7 voices in this employment decision. Conversely, he believes that the Mayor should affirm the City Attorney and City Clerk. When asked by the Committee what was wrong with the current system, Mr. Brand responded that nothing is wrong, but during a time of crisis every governmental policy is securitized.

Mr. Stewart stated that it was the intention of the Review Committee in 1992 that the City Manager, City Attorney and Clerk would be hired by the Mayor and affirmed by the Council. It was only later that the Mayor and Council decided to divided up the hiring of City Officials. Mr. Brand explained that this is important to look at because occasionally the Mayor may disagree with the opinion of the City Attorney and that this causes conflict. However, tying the Mayor to the hiring of the City Attorney may in fact create a more harmonious relationship. Mr. Scott interjected that the bigger issue is role definition and is something that must be looked at in greater detail. Mr. Sanchez added that when discussing labor MOU any amendment that impacts terms and conditions of employment would need to go through the bargaining process.

Mr. Fitzpatrick raised his concern with the practice of past mayors negotiating contracts with key officials for a long period of time, so called evergreen contracts, and that it is the taxes payers who ultimately are left paying for these contracts. He would like to see a measure that would prevent a mayor from signing a number contracts, while leaving office, that binds the Council to a number of contracts for an extend number of years. For example, some cities have policies that prevent a contract that exceed the term of the Mayor or City Council. Mr. Brand stated that such a provision, which would limit contracts to a certain number of years, is something the Committee should consider. This raised an important question whether the Committee should go beyond the original 23 agenda items. Mr. Brand said this is a good example of such an outside item.

7. Clearly identifying the jurisdictional authority of the Mayor to organize administrative departments, subject to Council confirmation

Mr. Brand was of the opinion that this item was questionable and is hard to quantify.

8. Require annual budgets be in a two-year format

Mr. Brand believes that this item did not rise to the level of a Charter review ballot measure and should remain City policy decision.

9. 60-day release rather than 30-day release of proposed budget prior to the beginning of each fiscal year

Mr. Brand did not believe that this rose to the level of Charter review ballot measure.

10. Mayor's veto power extend to legislative land use decisions

Mr. Brand expressed concern that by giving the Mayor veto power on land use decision, it would give the mayor 5 votes on land use decisions. The question becomes would this give the Mayor too much power. Mr. Duncan explained that he tried to bring a similar measure before the Council. Originally, his provision was more narrowed in operation. At the time of Mr. Duncan's proposal, the City had an obsolete general plan and every other Council agenda item was a general plan amendment. Once the city had an updated General Plan, amendments became rare but rezoning became a standard/routine vote. His goal was to get a Ballot measure to give the Mayor veto power solely on any General Plan amendment. In his opinion, it was natural to have the Mayor involved in such an important matter because General Plan amendments had gotten the City in trouble in the past. However, the building community was vehemently against this proposal and this measure died.

One of the issue highlighted in land used discuss is that because Fresno is charter city, zoning doesn't need to be consistent with the General Plan, in which case zoning must catch up to the general plan. Therefore, 90% of the rezones are nothing more than Ag land getting rezoned to residential, which had already been designated as residential in the General Plan 20 years ago. The Committee members felt that this makes no sense. In contrast, zoning must be consistent with the General plan in a general law city. While Fresno's current system is as nice way to get money out of the developer for the rezoning, Mr. Fitzpatrick believed that this is something that should be done by the City so that the General Plan and zoning are in agreement. Furthermore, to add another 30-40 days for the Mayor to veto something that is routine, in which Staff and the planning commission has approved, was unnecessary in his opinion. Mr. Gordon presented that maybe the Committee should think about some way to make the rezone process more automatic unless there is some objection form a city official. Because if it is this process is that routine, the Committee should think about a system to make more streamlined.

The Committee also discussed conditional use permits, which is a quasi-judicial proceeding. Because the Mayor is not being a part of the Council, the Mayor would not have an opportunity to have a public hearing to examine the Council's findings. The Committee highlighted this as something they should focus on.

11. Mayor veto authority over Civil Service Board decisions

Mr. Brand stated that this item was very important. However, it was his opinion that this may not raise to level of the Charter review item and it is the Committee's responsibility to make this determination. He described the operations of the Civil Service Board ("CSB") as a close session hearings for disciplinary actions for employees. However, there have been situations where an employee has been fired, then sues and is rehired, only to have that employee committee the same wrong and have the city be sued again. In response to the Committee questioning the necessity of the CSB, Mr. Sanchez stated that the CSB was created under the Charter. Basically it operates as the neutral hiring for due process purposes. He did explain that if the Charter was amendment to remove the CSB, an administrative hearing officer could be established as a replacement. Some within the Committee believed that an Administrative hearing officer would remove the politics in the process and would likely be more consistent in disposing of employee disciplinary matters.

Mr. Kimber strongly objected to the idea of eliminating the Civil Service Board. It was his contention that the CSB has provided protection for city workers, and that it would be terrible to disband the CSB or to give the Mayor veto authority over the its decisions. Mr. Stewart explained that during his time as the chair of the CSB the problem stems from the quality of the people appointed to the CSB. He would like to hold the party(ies) responsible for appointing the various members of the CSB accountable and the idea of a Mayoral veto should be looked at.

Mr. Sanchez explained the due process rights of an employee depend on the level of seriousness of the disciplinary action. Things that get to the level of seriousness like long term suspension or termination generally get appealed to the CSB. In response to the question whether it is legally valid to disband the CSB or incorporate a mayoral veto, Mr. Sanchez explained that additional research would be required. Furthermore, this flags similar concerns that he had in the matter of conditional use permits because of the fact the individual property rights are involved in a conditional use permit decision. Similarly, any veto of the CSB would involve individual personnel rights, and that the Committee would have to look at both of these areas of concern.

12. Creation of separate entity to establish Council and Mayor compensation

Mr. Brand expressed that this was a major criticism because the Council essentially votes for their compensation increases. This is a question worth exploring.

13. Provision in Charter that would provide that the Mayor, City Manager, and Staff shall not interfere with the Councils legislative powers

Mr. Brand explained was not his question, and he would find challenging to implement. It was his opinion that this doesn't rise to the level of a Charter Review item. However, Councilmember Borgeas may have a different opinion on this.

14. Timely response by City Staff to Council information request provision

Mr. Brand did not believe that this rose to the level of the Charter Review Item, as he has not encountered a problem getting information.

15. Council exclusive authority to appoint and remove additional Council assistants

It was explained that under the current any additional assistants for a Council Member are under the authority of the City Manager. Mr. Brand expressed that City Manager has never interfered with decision to hire additional assistants. Therefore, he did not believe that this rose to the level of Charter Review item.

16. Provision that Council Presidency is based on a rotational system with majority confirmation

Mr. Brand felt that the current system works fine and that this did not rise to the level of a Charter Review item. He would continue to let each Council decide the process for selecting the Council President. Mr. Stewart raised his concern that there have been some councilmembers that should not have been elected, let alone lead the Council. This provision would create a level of protection for the people of City to not to have such unqualified members lead the council. Mr. Duncan countered that the Committee should recognize that any member of the Council has been elected by the people of his/her district. He also illustrated that past elections of Council Presidents have led to backroom deals and as the potential to cause division among the Councilmembers at the onset of the term. It was his opinion that by rotating the council presidency has eliminated the past politics and division of the election system.

17. Modification to City's campaign contribution policy

In Mr. Brand's opinion, this rose to the level of a Charter Review item. City Campaigning laws allow campaigning only for the period of time 90 days before an election. For 9 months every 4 years you can raise as much money for your election campaign as you wish. By contrast County doesn't have a limit. A person can raise money 365 years. This limited window of time gives an advantage to incumbents. Mr. Brand believed opening up to the campaign window to 365 days a year to make the campaigning process more equitable.

Mr. Kimber inquired into whether there are any legal prohibitions on limiting campaign contributions to incumbents. (See *Citizens United*.) Mr. Sanchez responded that the City can legally look at limiting contributions to incumbents. Campaign contribution limits are contained within the municipal code and limits on the time to solicit are contained within the Charter. Additionally, Mr. Brand encouraged the Committee to look at term limits. He explained that in the City of Fresno you can only serve two consecutive terms, after which the person must sit out a term. Some believe it takes 2-4 years for an elected official to figure out he or she is doing.

18. Provision obligating City employees to report illegal activity to the City Attorney's or City Manager's office

Mr. Brand believes that this is important to consider, but doesn't rise to the level of the Charter Review item.

19. Mayor's ability to maintain separate legal counsel

In Mr. Brand's opinion this a legitimate question, but this was the extent of his discussion.

20. Council enable to direct the Controller to respond to financial inquires without processing such inquires through the City Manger

Mr. Brand asserted that this does not rise to the level of Charter Review item.

21. Submission of quarterly financial statements by City Controller directly to the Council

Mr. Brand believes that is provision is unnecessary. It was Mr. Gordon understanding that this provision would enable a change in the current financial reporting system under the Charter, which requires a monthly statement, to a quarterly report. Mr. Brand stated that he did not remember receiving a monthly statement while serving on the Council. Given the current financial difficulties, a revised budget is submitted every couple a months. He questioned this provisions validity because during years with normal financial operation, an annual budget is passed and the city operates under that budget for the remainder of that year.

22. Controller certification of 1) specific funding source(s) for all newly created programs; and 2) the reliability of funding for the life of the program

Mr. Brand began his discussion by directing the Committee to the handout he included. He believed that this was important provision for the Committee to evaluate and was covered in detail within Debt Management Act.

23. Examine the organizational structure and role of RDA and the City to eliminate redundancies and develop a more efficient model for revitalization.

Mr. Brand couched his discussion by explaining that the need for this provision is an outgrowth of the Strong Mayor form of Government. Originally the Mayor was part of the RDA and the City Manager was the director of the RDA. However, after the adoption of the Strong Mayor, the Council went sideways with the Mayor and separated the Administration from the RDA. Mr. Brand believes that this is not a workable model. For example, For City was a major redevelopment force for the City. Initially the Mayor Autry was all for it. However, when For City rejected the idea of downtown lake, the Mayor walked away from the project. The Council still wanted to move forward, but the Mayor controls the city apparatus from the City Planner, public works and Police/Fire. It was Mr. Brand's opinion that unless the two are engaged together, the RDA will not be successful. He further stated he agrees with the City Attorney that this is a policy issue that needs to be examined by the Committee.

Mr. Sanchez went on to explain that the RDA is governed by State Law and is independent of the Charter. Any discussion or changes would be outside of the Charter. However, any recommendations would be considered by the Council. Mr. Fitzpatrick added that any one that has read redevelopment Law knows that there are a number of exceptions for different cities. For example, the City of San Jose has an exemption that both the City Council and Mayor sit on the RDA Board. He stated that there are exceptions in State Law where a city can have both the Council and Mayor serve as part of the RDA. It is just a function of the city's elected officials petition the State Legislature to include a Fresno exception which would allow the Mayor to sit on the RDA Board. Ultimately, there is nothing that Redevelopment can do with the approval by

the City. Both Mr. Brand and Mr. Fitzpatrick express their shared hopefulness that there would be recommendation by the Committee for the Fresno delegation to petition for such a change.

Closing Comments by Lee Brand

Mr. Brand expressed that the Committee should have full authority to look at additional items that rise to level of the Charter changes. Mr. Brand explain that in his handout, he tried to string together four financial items as one Ballot item with supporting text. What he wants to avoid is having ten different Charter amendment items on the ballot, which would cost \$100,000 each. Because of the cost, Mr. Brand believes it behooves the Committee to string together 2 to 4 recommended Ballot items that cover similar subject matter related changes. Mr. Stewart interjected that the Committee should be careful not to string together the wrong items because this could result in the loss of all of the Ballot measures. Mr. Brand explained that he strung together all four of the financial policies; however, given that the Labor Management Act requires a meet and confirm with labor representatives, it should be pulled out given the current political climate.

Mr. Kimber inquired into whether the Committee should re-evaluate the Strong Mayor Form of Government because of the double dipping in administration of the city. Mr. Brand responded that he believes that evaluating the Strong Mayor Form of government is not appropriate considering the mandate for this Committee. Councilmember Brand concluded that he would be happy to come back and explain any issue at a later date. He would prefer the Committee to take more time, if necessary, to properly evaluate the various charter items. Therefore, the Committee could target the November Ballot rather than the June Ballot.

Interview with City Attorney Jim Sanchez

Mr. Sanchez noted that the Committee members should be aware of memo dated August 15 in which he drafted a timeline for Committee regarding the various key dates the Committee must meet so that a ballot measure could be drafted in time for either the June 5 primary election or November General Election. He explained that the Committee would need to finish its business by mid-January so that the Council and Mayor can complete their individual obligations, if the March 9 deadline is met to a ballot measure placed on the June ballot. Mr. Stewart stated that this would be Committee's target timeline because it would fit within their original goal of a 180-day window of operation. The City Attorney wanted to discuss only a couple items. First, Mr. Sanchez highlighted the fact the one of the overriding tenants of the current Charter is the separate appointment power of the City officials. It was his belief that the separate appointment power of the Council and the Mayor has created an effective form of checks and balances. Second, he expressed his concern that some of the proposed Charter amendments create a number of implementation challenges. As an example, he highlighted the provisions that would require a free follow of information as it would create a number of practical limitations for certain key city officials because these positions serve at the pleasure of their respective appointees. Finally, he discussed his reservations with the proposal to allow the Mayor to hire separate legal counsel.

Outside Legal Counsel for the Mayor

Mr. Sanchez began by explaining that the City Attorney's office has a responsibility to serve all city officials under the charter and to represent city officials in any action within their official capacity. His concern with providing the Mayor outside legal counsel is that it would create the potential for conflicting legal opinions. Furthermore, such a dispute would create a public record that could be a path to challenge a decision by the city at some future date. The Committee countered that currently any third party attorney that is hired works under the City Attorney. To this Mr. Sanchez admitted that in such a circumstance, any outside counsel would operate as a deputy of the City Attorney's office. Furthermore, under the current charter the Council and Mayor are free to hire independent consultants in a number of fields, but the Charter forbids the Mayor from hiring such a consultant if legal advice is desired. However, the Council is free to seek outside legal counsel under the current Charter. Mr. Sanchez did acknowledge under certain circumstances, be it certain politically charged items or in circumstances when the Mayor may want to vet a proposal before fully disclosing it to the Council, there is some validity in allowing the Mayor access to separate legal counsel. He explained that it was the goal of the City Attorney's office to provide a number of legal positions, when inquired to do so, and it is general policy for the City Attorney to recommend the most conservative position, as this tends to be the most defensible.

Interview with City Manager Mark Scott

Due to time constraints the Committee's interview with Mr. Scott was tabled until the next Committee meeting.

Closing Items

Mr. Stewart inquired into the status of the list of various interest groups the Committee would like to hear from the letters inviting these various groups to participate in this process. Mr. Fitzpatrick responded that he was compiling such a list, and that Mr. Reid would write the letters. There were no speakers when the floor was opened for public comment.

Next Meeting: Tuesday, September 6 at 5:30pm to be held at City Hall.

Adjournment at 7:09pm